HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.622 of 2002

Between:

Cheepulla Ramakrishna and others. …Appellants

And

District Collector, Visakhapatnam
and two others. …Respondents.

::J U D G M E N T::

Counsel for the appellants : Sri P. Subhash for
Sri L. Ravichander

Counsel for the respondents : Government Pleader for
Revenue.

3rd April, 2007

Per G.S. Singhvi, C.J.

Feeling dissatisfied with a rather benevolent order passed by the learned Single Judge in Writ Petition No.4047 of 1997, the appellants have preferred this appeal.

The appellants are residents of Chokkavani Palem Village, Bheemunipatnam Mandal, Visakhapatnam District. Their kucha houses were destroyed in the fire accident, which occurred on 16-11-1996. The State Government disbursed a sum of Rs.64,500/- to the victims of the fire accident. It is borne out from the record that in order to protect the people of Chokkavani Palem Village from regular onslaught of cyclone and consequential inundation, District Collector, Visakhapatnam approved the proposal for rehabilitation of 503 families including those of the appellants at Chapaluppada. Some of the

families agreed to shift to the new site, but the appellants did not agree to do so. Instead, they filed writ petition under Article 226 of the Constitution of India for issue of a mandamus to the respondents to carry out rehabilitation process for the victims of fire accident in Chokkavani Palem Village, Chapaluppada Gram Panchayat, Bheemunipatnam Mandal by granting pattas and constructing pucca houses.

During the pendency of the writ petition, the learned Single Judge directed the authorities of Irrigation and Command Area Development Department to inspect the site and submit report on the issue of inundation of Chokkavani Palem Village. Superintending Engineer, I & CAD, Irrigation Circle, Visakhapatnam inspected the site and submitted report with the finding that the village is not liable to inundation. After taking note of the report, the learned Single Judge disposed of the writ petition by directing the respondents not to shift the writ petitioners from Chokkavani Palem Village.

Sri P. Subhash, learned counsel for the appellants argued that in view of the report of the Superintending Engineer, the appellants are entitled to be rehabilitated in the village by allotting pucca houses in accordance with the scheme framed by the government and, therefore, a mandamus be issued to the respondents to construct pucca houses for them.

Sri A. Giridhar Rao, learned Government Pleader, on the basis of the instructions given to him by Sri Venkateswara Rao, Revenue Divisional Officer, Visakhapatnam, made a statement that out of 503 families, which were affected by continuous inundation of the area, 30 have been allotted pucca houses. He submitted that the appellants could not be accommodated because they declined to shift from Chokkavani Palem Village. Learned Government Pleader then stated that if the appellants are willing to shift from the present site, the respondents will provide them house sites/pucca houses in accordance with the extant schemes framed by the government for

landless and poor persons.

In our opinion, the offer made by the learned Government Pleader for rehabilitation of the appellants is reasonable and merits acceptance. Learned counsel for the appellants has not been able to draw our attention to any other scheme under which the appellants are entitled to be rehabilitated in Chokkavani Palem Village as of right. Therefore, it is not possible to accept the omnibus prayer made by them for issue of a mandamus to the respondents to rehabilitate them in Chokkavani Palem Village by providing house-site/pucca houses.

In the result, the appeal is disposed of with the direction that if the appellants submit written undertaking before District Collector, Visakhapatnam or an officer nominated by him to shift to the alternative site where pucca houses have been or will be constructed under the existing schemes, then their cases shall be considered with reference to the conditions of eligibility and appropriate decision be taken within a period of two months from the date of submission of undertaking.

G.S. SINGHVI, C.J.

3rd April, 2007

C.V. NAGARJUNA REDDY, J.

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